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Republics have done) against Germany. President Carranza is gradually learning that we mean him and his government no harm, and would help as we can. We are loaning money to nations in desperate straits that are to be counted among our Allies. Mexico wants a loan of \$100,000,000. These are all the facts given, but they are given in such a manner as to destroy any suspicion that the writer wishes them to be calmly and kindly considered. As a specimen of the manner in which they are distorted, one example is enough. The plain fact that, if Mexico proved unfriendly to us and hostile to us in our present emergency, we would be compelled to take active steps against that country, is

presented thus: "The President will not use a club on Carranza unless it is necessary; but I happen to know that if Mr. Wilson should find himself driven into a corner where he would be forced to discipline Carranza, he would abandon all regret and wield his club so gloriously and handsomely that one problem at least would never rise again."

This sort of talk is a disgrace to the United States. It is rank international courtesy to one whom we have pronounced our friend. It is a disgrace to the press generally, and a crowning disgrace to the otherwise reputable newspapers that publish it. It is worse than a lie, for it is a pollution and debauchery of truth.

## THE SOCIETY OF NATIONS

By JAMES BROWN SCOTT

**I**N the society of nations, as at present organized, there is no central authority, and there is nobody authorized to speak and to act for the society as a whole. The maintenance of international law depends upon the enlightened judgment and good faith of the different nations. Each acts for itself, but in so doing it acts for all, because the right of one is the right of all, and the duty to one, unless it be based upon a special treaty, is the duty of all.

Although we recognize that all nations are equal before, in, and under law, and that each is sovereign, free, and independent, we must nevertheless recognize that they are in fact *interdependent*, that the interest of all is superior to the interest of any one, however powerful, and that therefore the interest of the society of nations—that is to say, of the nations in association, because they must associate unless they are to exist in isolation—is greater than the interest of any one. We must become conscious of the existence of the nations in society and of the rights in association or in society, and of the rights of the latter as against the privileges or rights of the individual States.

I do not need to prove by an old saw or modern instance that there is such a thing as the society of nations, because I refer to the book and chapter in which its existence and the purposes for which it exists are authoritatively stated, and this particular book and chapter is the joint product of all the civilized States, accepting and applying international law in their mutual relations, invited to and participating in the First and Second Peace Conferences held at The Hague in 1899 and 1907. The preamble to the Peaceful Settlement Convention not only states the existence of the Society, but the reason for its existence, finding that reason to consist in the solidarity of nations which is required and desired to effect the purposes required by their solidarity. The preamble states the powers participating in the conferences as recognizing "the solidarity which unites the members of the society of civilized nations." This simple statement appears to me to be as fundamental as it is simple. In the first place, it recognizes the interests of all as opposed to the interests of any one; in the second place, it recognizes that the in-

terests of the whole are the bond uniting the nations; in the third place, it states, it does not argue, the existence of the society of nations, and, finally, in the fourth place, it limits the society to the civilized nations, which to me at least seems to imply that a nation cannot be civilized without belonging to the society and without recognizing the solidarity, that is to say, the interests, of the whole as superior to its own particular interests.

It is not necessary that the nations should meet in conference and declare in a formal treaty that the high contracting parties recognize that there are such bodies politic as civilized nations, that these civilized nations are members of the society of nations, and that the society of nations is united by the solidarity of interests of the nations as a whole as distinct from the interests of a particular nation. The society of nations only needs to become conscious of its existence in order to perceive that it is a body politic, and in order to draw the necessary conclusions from its existence as a body politic.

If we turn to the Pacific Settlement Convention and analyze the preamble, we find that the powers, through their accredited delegates, express in the first two paragraphs of the preamble their purpose, stating their countries to be "animated by a strong desire to concert for the maintenance of the general peace," and, because of this desire, "resolved to second by their best efforts the friendly settlement of international disputes"—that is to say, they first express a desire and then a determination. They next recognize, as I have previously stated, the solidarity which unites the members of the society of civilized nations, and by so doing they state at one and the same time the existence of the society and the bond which holds its members together. This bond they called solidarity, which I have interpreted to mean the interests of all as distinct from the interests of one, and which may therefore be called the community of interests as distinguished from particular or separate interests. Or, to express it in a more general and perhaps more definite form, the preamble to the Final Act of the First Conference states that it was convoked by his Majesty, the Emperor of All the Russias, "in the best interests of humanity," and the preamble of the Second Conference of 1907 states that it was convoked "for the purpose of giving a fresh development to the humani-

tarian principles which served as a basis for the work of the First Conference of 1899." We thus have it stated upon the highest authority—namely, upon the authority of the Second Conference—that the guiding principle of the First was the best interests of humanity, and that the guiding principle of the Second was a fresh development of the principles of humanity proclaimed by the First Conference.

I am, therefore, correct in stating that the bond of union is solidarity, that solidarity means a community of interests, and that these interests were, in the opinion of the Conference, the best interests of humanity. I would myself personally state those interests in a single word, justice; but, to return to the preamble to the Peaceful Settlement Convention: After expressing the desire for the maintenance of international peace, and resolving to settle international disputes in a friendly manner so as to preserve peace, and recognizing the solidarity uniting the society of nations, the powers represented in the First and in the Second Hague Peace Conferences proclaim, in a later section of the preamble, that "the security of states and the welfare of peoples" depend upon "the principles of equity and right," and, because of this fact, they declare it to be "expedient to record in an international agreement the principles of equity and right" on which they base "the security of states and the welfare of peoples." Without meaning to give to the terms of the preamble a meaning which was not in the minds of the delegates or to pervert their language to sustain a thesis, I am of the opinion that we would be justified in concluding that the "principles of equity and right" referred to, but not stated, are synonymous with justice, and would venture to suggest that the American Institute of International Law in its first session not only expressed itself as sharing the opinion of the august initiator of the international peace conference, as to the expediency of stating the principles of justice in an international agreement, but that, perhaps, with the enthusiasm of youth, it went further and stated and defined those principles in its "Declaration of the Rights and Duties of Nations"\*\* in the form of an international agreement or as the basis of such an agreement.

But, although the Conferences did not attempt to define the principles of equity and right, they nevertheless expressed their deliberate opinion that, without the principles of equity and right, states would lack security and the welfare of peoples a guaranty, and we are therefore prepared to have them declare themselves, as they do in another part of the preamble, "desirous of extending the empire of law and of strengthening the appreciation of international justice." They recognize, without arguing it, that justice cannot bring forth its perfect fruit unless there be appropriate agencies for its administration, and, without saying that the mere existence of the society of nations requires a law of the society, they nevertheless admit the necessity of the law in proclaiming principles of equity and right as the foundation upon which the security of States and the welfare of peoples rests; and, without saying that an agency of the society is necessary in order to ascertain, to interpret, and to apply the law in appropriate cases, they nevertheless admit that such an agency would contribute effect-

ively to maintain the general peace, to settle in a friendly manner international disputes, to extend the empire of law, and to strengthen the appreciation of international justice. That this is no forced construction is evident from the language of the preamble, according to which the contracting parties are "convinced that the permanent institution of a court of arbitration, accessible to all, in the midst of independent powers will contribute effectively to this result." The Conferences were very happy in stating the consequences of establishing an international court of justice and in defining its relation to the powers, for the court was to be created by the society, of which it is therefore to be the organ. It is to be the court of all, not the court of one, because it is to be accessible to all, and finally and admirably stated, it is to be in the midst of independent powers. We have heard much of a free church in a free State, and we are, I am quite sure, destined to hear much in the future of an accessible court in the midst of independent powers.

The powers felt it necessary that the organ of the society which they called a court of arbitration should have its procedure stated and defined in advance, and it is not among the least services of the Conference that it drafted a code of procedure contained in the Pacific Settlement Convention for the arbitration of disputes through the court which the Conference established. And it should be stated in this connection, although it is not mentioned in the preamble, that the court created by the powers for the society of nations was to act under the supervision of the powers forming the society of nations. For this purpose the Conference created a permanent administrative council composed of the diplomatic representatives of the signatory powers accredited to The Hague and under the presidency of the Dutch Minister of Foreign Affairs, "to settle its rules of procedure and all other necessary regulations," to "decide all questions of administration which may arise with regard to the operations of the court," to communicate "to the signatory powers without delay the regulations adopted by it," and to furnish them "with an annual report of the labors of the court, the working of the administration, and the expenses."

My purpose in dwelling upon the preamble and in calling attention to the administrative council is to make it clear that the Conference, unconsciously it may be, but nevertheless assuredly, went a long way to recognize certain fundamentals of organization with which the delegates were familiar in their own countries, but which had not been hitherto applied to the nations as a whole. Thus the Conference recognized, first, the existence of a society of nations composed of the civilized States bound together by a community of interests; second, the function of the Conference as a factor in developing "the humanitarian principles" which I have ventured to identify with justice; third, the necessity of a court for the society in order to administer justice between and among the civilized States forming the society, by defining, by interpreting and applying the rule of law to disputes between and among them, and fourth, the advisability of a permanent administrative council, composed of the contracting members of the society of nations to establish the court as the organ or agency of the society and to supervise its conduct.

We here have an unconscious recognition, it may be,

\*See the first page of this issue, under the title "A Governed World."

of the three-fold division of powers in a political society, for the society of nations is a political association, and is, if it chooses to be, a body politic. In the Hague Conferences we recognize an international body which recommends, if it does not actually make, laws for the society, because the conventions and declarations drafted by the delegates, and approved by the Conference, are transmitted by the Dutch Minister of Foreign Affairs to the civilized powers forming the society of nations, to be ratified by the appropriate branches of the contracting parties, and to be adhered to by the appropriate branches of the powers which did not attend the Conference, should they be minded to unite themselves with the contracting powers. In the administrative council we recognize the germ of an executive—that is to say, of a body to carry into effect the projects of the Conference which have been ratified by the nations and to supervise their execution and operation. We also recognize in the proposal of a court of arbitration the first step towards an international judiciary, as the organ or agent of the society, just as a judiciary is an organ or agent of every member of the society of nations.

Believing, as I do, that international organization is the question of the day, and that it must confront us until it is solved, that the relations of nations can only be peaceable if they are based upon justice, I am convinced that there must first be some agency of the society to recommend, if not to make, the law which is to govern the conduct of nations; that there must, second, be some agency of the society to call the recommendations of the Conference to the attention of the powers, in order that they may be ratified; to call to their attention the terms of such acts of the Conference as have been ratified in order to prevent their violation, and to exercise such supervision as the society may decide to be compatible with the independence of its members on the one hand and their solidarity on the other, and that there must, third, be a court of the society to ascertain, to interpret, and to apply the law of nations, customary or conventional, to the disputes which necessarily must arise between and among the members of the society, if peace founded upon justice is ever to prevail in a war-ridden world.

In closing, let me quote, and, by quoting, make my own, as far as one can, the words of a great, a wise, and a generous French statesman, uttered in a moment of inspiration at the Second Hague Peace Conference, and in advocacy of the very principles for which the American Institute of International Law stands:

"The world [said Mr. Bourgeois] longs for peace."

"For centuries we have put our faith exclusively in the formula: '*Si vis pacem, para bellum*' [If you wish peace, prepare for war]; that is to say, we have confined ourselves to the *military organization of peace*. We have got beyond this, but we should not be satisfied in forming a mere humane organization, which I was about to call the *pacific organization of war*.

"The discussions which have taken place here in our midst have shown us the progress made in our views in this matter through education, and the new sentiment, each day more insistent, of the solidarity alike of nations and of mankind in the struggle against the fatality of nature. We have confidence in the increasing effect of these great moral forces, and we hope that the next Conference will force a still further development of

the humane principles which guided the Conference of 1899, by assuring in fact as well as in theory the *juridical organization of peace*."

## THE POSITION OF THE FRIENDS

Bv ALLAN FARQUHAR

A Member of the Society of Friends

**W**HAT IS the proper position for Friends to take in the world crisis? We all know and feel that there is something to be done, that we would be recreant to our duty if we were to stand idly by, washing our hands of the whole wretched business, and sheltering ourselves behind the comforting thought that we are not responsible and that it is not our affair. We all believe that there is important work to do, though we may differ in the part that we should take.

Nineteen hundred years ago there came a new and divine message, "Love your enemies." Nothing of the kind had ever been taught before, and in the centuries since then it has fallen mostly on deaf ears. Even now it apparently has little consideration. Yet, the spirit of this message must be followed if wars are to be done away with forever. In any course of action we take we must keep ever before us as our guiding star: "What will do most, and do it soonest, to disarm our enemies by transforming them into our friends?" If our enlightened conscience, our careful and unprejudiced study of recent history, shows us clearly and unmistakably that they are in the wrong, it would be a poor manifestation of love for us not to use our best endeavors to check that harmful tendency.

"There is more joy in heaven over one sinner that repented than over ninety and nine that go not astray." This may be true, but nowhere is it declared that we should love our enemies *better* than our friends. It is not alone the Germans and their best interests (next after our own) that must be considered in any decision we make. The universal God who is Father of our brothers in Germany bears the same relation to those in England, France, and the other countries of the world. The war is an existing fact, not something that can be warded off by wise statesmanship, fervent prayers, or righteous conduct on our part. We are face to face with the fact that unless Germany is to win the conflict (which no lover of mankind can desire), any failure on our part to devote every ounce of our strength, every dollar we can spare, every talent we possess, on behalf of the Allies, will postpone the end of the war just that much, with all the horrors and suffering this will involve.

Christ preached non-resistance, and his life was sacrificed in that noble cause. But the situation now is not one of self-defense against a personal attack, so much as of the best way to bring an end as soon as possible to the most awful catastrophe perhaps that ever afflicted humanity, in order that the blessings of peace may once more descend upon us. Whether that peace is permanent or not it is for the future to say, but any respite will be welcome, and it will be more likely to last if the best elements of the American people give earnest support to the Government so long as it keeps on the high plane of the President's message of last April.